

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JAN 12 2005

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

DONALD BEARDSLEE,

Petitioner - Appellant,

v.

JILL BROWN, Warden of the California  
State Prison at San Quentin,

Respondent - Appellee.

No. 01-99007

D.C. No. CV-92-03990-SBA

ORDER

Before: TASHIMA, THOMAS, and PAEZ, Circuit Judges

Donald Beardslee's motion for a stay of execution pending the filing of a petition for a writ of certiorari to the United States Supreme Court is denied, without prejudice to the filing of the request with the United States Supreme Court.<sup>1</sup>

**MOTION DENIED.**

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<sup>1</sup> Beardslee has filed a separate request for a stay of execution in *Beardslee v. Woodford, et. al.*, No. 05-10542, which is still pending.